

On the basis of Article 75 of the Electoral Code (Fair copy), published in the “Official Gazette of RM” 54/2011, the Broadcasting Council, at the second continuation of the 9th session, held on April 21, 2011, adopted

RULEBOOK FOR EQUITABLE ACCESS TO THE MEDIA PRESENTATION DURING THE ELECTION CAMPAIGN

I BASIC PROVISIONS

Article 1

This Rulebook stipulates the forms of electoral media presentation during the election campaign, manners of providing equal access of the participants in the election process in all forms of electoral media presentation and the manner of reporting during the election silence period in the programs of the broadcasters during the election campaigns when electing:

- President of the RM;
- Members to the Parliament of the RM;
- Council members in the municipalities and the Council of the City of Skopje, and municipal Mayors and Mayor of the City of Skopje.

The Rulebook does not interfere with editorial policy, autonomy, and independence of broadcasters.

Glossary

Article 2

Certain terms used in this Rulebook have the following meaning:

1. Organizers of the election campaign are candidates, political parties, coalitions or groups of voters that organize or participate in the election campaign;
2. Forms of electoral media presentation are the daily informative programs, programs that enable direct access of organizers of the election campaign to the audience/voters and the specialized informative programs;
3. Daily informative programs are all radio and television news broadcasts;
4. Direct access to the audience/voters are the forms of free political presentation and the paid political advertising, through which the organizers of the election campaign freely promote their own programs, opinions and candidates;

5. Free political presentation is a direct access of the organizers of the election campaign to the audience/voters, through which they freely and free of charge promote their election programs, opinions and candidates;

6. Paid political advertising is direct access of the organizers of the election campaign to the audience/voters, through which they promote their election programs, views and the candidates for a fee. Types of paid political advertising are: releases, announcements, political elections spots, music spots that serve as anthems for the organizers of the election campaign, live transmissions or footages taken from gatherings and other types of appearances of the organizers of the election campaign;

7. Specialized information programs are:

- a) programs that are designed to inform the citizens about the manner and the technique of the voting and the realization of the voters right; and
- b) informative-political programs the genre of which are interviews, debates or TV/Radio face-to-face duels:
 - current affairs programs
 - current affairs programs with a documentary approach
 - topic-specialized informative programs

General Provisions

Article 3

The Public Broadcasting Service and the trade broadcasting companies, which have decided to cover the elections are obligated to conduct this in a just, balanced and impartial manner in their overall program.

Article 4

Regardless of the language in which they are broadcasting their program service the broadcasters are obligated during the period of campaign to provide to the organizers of the election campaign equal conditions to access all the forms of electoral media presentation in compliance with this Rulebook.

Article 5

In addition to the forms of the electoral media presentation outlined in this Rulebook, broadcasters will retain their editorial policy freedom to use their other programs for election purposes. In such case, they must respect the principle of balanced coverage, and to provide equal access to media to all organizers of election campaign.

Programs aimed to the minors are exception to this rule.

Article 6

Broadcaster will enable balanced coverage of elections in all forms of the electoral media presentation in the following manner:

1. For the Presidential elections according to the principle of equality for all presidential candidates in the first and the second round of the elections;

2. For the Parliamentary elections the proportionality principle, according to the number of confirmed lists of candidates for MPs

3. For the Municipal elections:

- for election of Mayor, in accordance to the equality principle for all mayoral candidates in the first and the second round of the elections;

- for election of members of the municipal councils and members of the Council of the City of Skopje for the broadcasters at national and regional level in accordance with the proportionality principle according to the number of confirmed lists of candidates and for the broadcasters at local level according to the equality principle.

The political advertising is an exception from the proportionality or equality principal.

Article 7

During the period of election campaign and the election silence, broadcasters are not allowed to broadcast announcements and advertisements financed from the Budget of the Republic of Macedonia, the municipal budgets and from the budget of the City of Skopje, and of all other entities authorized to perform public activities by law.

Article 8

Editors, journalists, program hosts and presenters, engaged in preparation of broadcasters' programs must not take part in preparation and realization of election campaign.

However, should they decide to become active in somebody's election campaign, their engagement in the broadcasters' programs must be put to rest until the end of the election campaign, as well as during the days of election silence.

Article 9

The broadcasters in their programs must not air contents aimed at violent overthrow of the constitutional order of the Republic of Macedonia, or encourage or invite to military aggression or incite national, racial, gender or religious hatred and intolerance.

If situations stated in paragraph 1 of this Article appear, the broadcasters can realize their right to inform the public by refraining from those contents, i.e. shall provide additional factual and critical context thus decreasing the negative connotation or accusations contained in it.

Article 10

Broadcasters are obligated to record the output signal of their program during election campaign, during election silence, and on the day of the election, and the footage of the entire program must be retained for at least 30 days after the completion of the election.

Upon request from the Broadcasting Council, the broadcasters are obliged latest within 48 hours after the reception of the request, to make available footage of the requested program to the Broadcasting Council as well as other documents, data and information, listed in the request.

Duration of the election campaign

Article 11

The election campaign starts 20 days prior to the day determined as an Election Day.

The election campaign ends 24 hours prior to the Election Day.

MRT

Article 12

The public broadcaster (MRT) is obliged to follow the election campaign, i.e. to publish information about the entirety of the election process, the electoral legislation, activities of all participants in the election process as well as the course of the voting and the results of citizens' balloting.

The public broadcaster is obliged to inform the citizens about the manner and the technique of voting, free of charge in cooperation with SEC.

MRT is also obliged to provide regular informing about the election process for persons with impaired hearing.

II TYPES OF ELECTORAL MEDIA PRESENTATION

1. DAILY INFORMATIVE PROGRAMMING

Article 13

Guided by the professional journalistic principles and standards during the reporting from the election campaign the broadcaster is obliged in the daily informative programs to provide balanced coverage of the election campaign organizers' activities, according to the principle of proportionality, i.e. equality as determined in Article 6 of this Rulebook.

When assessing the balance of the media coverage of the elections, the intensity of the activities of the organizers of the election campaigns will be taken into consideration.

Article 14

The comments regarding the election campaign aired in the daily informative programs should be distinguishable as separate items and be marked either with the name of the author or as editorial comment

Article 15

Reporting on the regular activities of the state bodies, the municipal bodies and the City of Skopje, the state institutions and organizations, as well as the activities of legal and other entities authorized to perform public activities by law, in the programs of the

broadcasters, in the period of the elections campaign, must not be in function of electoral media presentation of any political subject.

2. DIRECT ACCESS TO THE AUDIENCE/VOTERS

Article 16

The participation of minors in the direct media access to the audience/voters is not allowed.

Article 17

The broadcasters must reject broadcasting a direct media access to the audience/voters, if it is aimed at the violent overthrow of the constitutional order of the Republic of Macedonia, or encourage or invite to military aggression or incite national, racial, gender or religious hatred and intolerance or if minors participate in it.

2.1 Free political presentation

Article 18

The public broadcaster is obliged to air free political presentation providing balanced time for the organizers of the election campaigns, according to the principles of proportionality or equality as determined in Article 6 of this Rulebook.

Trade broadcasting companies, which will decide to air free political presentation, are obliged to provide the organizers of the election campaigns balanced time for free of charge political presentation, according to the principles of proportionality or equality, as determined in Article 6 of this Rulebook.

Article 19

The free of charge political presentation must be appropriately and visibly marked as “free political presentation” during the whole duration of the broadcasting.

Article 20

The date and the order of broadcasting the free political presentation of the organizers of the election campaigns is determined by lot-system.

2.2 Paid political advertising

Article 21

The public broadcaster is not allowed to air paid political advertising.

Article 22

Trade broadcasting companies can air 15 minutes of paid political advertising in one clock hour, from which maximum two thirds, meaning 10 minutes per one hour, can be allocated to one participant in the election campaign.

The term – clock hour – represents the time, which elapses from the beginning until the end of one hour determined according to the clock.

Article 23

The time for paid political advertising cannot be accumulated and broadcasted at once, in continuity as a total time allowed for political advertising.

The allowed time for advertising per one clock hour of broadcast programming, according to article 93 paragraph 3 of the Broadcasting Law cannot be used for paid political advertising.

Article 24

The paid political advertising should be appropriately and visibly marked as “paid political advertising” during the whole broadcasting and should be separated from the rest of the program and from the other advertisements, teleshopping spots as well as other types of advertising by an disclaimer at the beginning and at the end.

Article 25

The prices for paid political advertising, which will be determined by trade broadcasting companies, must be same for all organizers of the election campaign and cannot be changed during the campaign.

Article 26

The orderer must be clearly indicated in all types of paid political advertising.

Article 27

The paid political advertising cannot be broadcast in:

- news and other daily informative programming;
- children, school and educational programming
- live broadcast of religious, sports, cultural, entertainment and other events;
- special informative programs.

3. SPECIAL INFORMATIVE PROGRAMS

Article 28

Guided by the professional principles and standards of the media coverage in the media coverage of the elections, the broadcaster who will produce special informative programs, should provide equal media treatment to all organizers of election campaigns, and the time for this kind of presentation in front of the audience/voters should be balanced according to the principles of proportionality or equality as determined in Article 6 of this Rulebook.

Article 29

In order to inform the audience/voters about the course of the election campaign and in order to protect the journalistic profession from any kinds of political influence during the electoral media presentation, special informative programs must not be used as form of paid political advertising.

III PUBLISHING THE RESULTS FROM THE PUBLIC OPINION POLLS

Article 30

When reporting the results from a public opinion poll, the broadcasters are obliged to ensure sufficient information based on which the public can assess the trustworthiness of the survey:

- to indicate the name of the person ordering and paying the survey,
- to indicate the institution conducting the research,
- to indicate the methodology applied,
- to point out indicators for the size and structure of the poll sample,
- to indicate the date/the period when the survey was conducted.

Article 31

The results for the public opinion poll can be published at latest 5 days prior the appointed Election Day.

The results from the public opinion poll conducted during the Election Day should not be published before 19:00 hours i.e. prior to the closure of the polling stations.

Article 32

The broadcasters should not publish results from unscientific and unrepresentative researches of the public opinion, such as: voting of viewers or listeners through telephone (televoting), surveys conducted through Internet, and similar.

IV ELECTION SILENCE

Article 33

During the election silence, which starts 24 hours prior to the Election Day and ends at 19:00 on the Election Day i.e. with the closing of the polling stations, all the forms of electoral media presentations of the organizers of the election campaign should stop.

Article 34

The broadcasters during the election silence continue to report on the elections.

While reporting during the election silence, it will be considered that the broadcasters have violated the election silence if they broadcast: information, audio and audio-visual material in the function of someone's election campaign, or advertisements through which they present party programs and party symbols, while:

a) "information, audio and audio-visual material in the function of someone's election campaign" mean:

- Any kind of information, audio and audio-visual material related to any candidate in the election process, respectively with any organizer of the election campaign and their election headquarters;
- Information, audio and audio-visual material related to politicians, representatives of the government bodies, state institutions and organizations, and legal or other entities authorized to perform public activities by law, as well as related to other actors whose media presentation is in the function of the election campaign and could affect the voters' decision;
- Any kind of open or covered media reporting, which is in the function of the election campaign and could affect the voters' decision;
- Party insignia, symbols or other propaganda material, directed towards or against any organizer of the election campaign, respectively representative of the government bodies, the state institutions and organization, and legal or other entities, authorized to perform public activities by law;
- Statements and press releases issued in the function of: candidates in the election process, organizers of election campaign or political parties;
- Special information programs where candidates of election process participate, respectively organizers of the election campaign (political parties, coalitions or group of voters with confirmed list of candidates), representatives of government bodies, state institutions and organizations, and legal or other entities, authorized to perform public activities by law, and also other subjects related to election campaign or in the function of the election campaign;
- Taped or live programs, unrelated to elections, where candidates in the election process, the organizers of the election campaign and/or representatives of the government bodies, state institutions, and organizations, and legal or other entities, authorized to perform public activities by law, are shown;
- Music spots, video clips or other media presentation of artists, who at the same time are candidates of the election process.

b) The "advertisement messages through which the party programs and symbol are presented," imply the following:

- All forms of direct access of organizers of the election campaign to the audience/voters regardless if it is free of charge, i.e. free political presentation and/or paid political advertisement, which includes: releases, announcements,

political elections spots, music spots that serve as anthems for the organizers of the election campaign, live transmissions or footages taken from gatherings and other types of appearances of the organizers of the election campaign.

Article 35

The broadcasters can report about irregularities during the voting, and also on incidents made in or outside the polling stations, but they should:

- Report only verified information from official sources;
- Those elements of information from official sources which present violation of silence (example: revealing the identity of the political party and/or individuals involved in election incident) should not be published before the closure of the polling stations i.e. until 19:00 hours;
- Candidates in the election process, respectively organizers of the election campaign, their monitors and headquarters are not considered as official sources;
- The broadcasters should be cautious about potential abuses, respectively not let be used for conducting campaigns on the election day through reporting for constructed and ungrounded mutual accusations from the candidates in the election process, organizers of the election campaigns, political parties, election headquarters and other actors;
- When for certain events, there are statements and press releases received from candidates in the election process, organizers of the election campaign, monitors, election headquarters or representatives of political parties, the same should be broadcasted only after the closure of the polling stations, respectively after 19:00 hours.

Article 36

On the Election Day, before 19:00 hours i.e. before the closing of the polling stations, the broadcasters should not broadcast:

- Statements from candidates in the election process, organizers of the election campaign, political party leaders, functionaries in the government bodies and politicians;
- Statements from citizens and other actors in the function of the election campaign.

Article 37

The provisions for respecting the election silence also apply to publication of the contents in the teletext, RDS or the websites of the electronic media.

CLOSING PROVISIONS

Article 38

Amendments and supplements to this Rulebook should be made in a written form.

Article 38

This Rulebook enters into force the next day after its publication in the “Official Gazette of Republic of Macedonia”.

With its entry into effect the Rulebook for Equal Access to the Media Presentation During the Election Campaign (“Official Gazette of Republic of Macedonia” 7/09) is no longer valid.

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